

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2013090847

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013100782

ORDER GRANTING MOTION TO
CONSOLIDATE

On September 24, 2013, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings (OAH) in OAH case number 2013090847 (First Case), naming Sacramento City Unified School District (District).

On October 22, 2013, the District filed a Request for Due Process Hearing in OAH case number 2013100782 (Second Case), naming Student.

On October 23, 2013, the District filed a Motion to Consolidate the First Case with the Second Case and to continue the due process hearing date set in OAH Case Number 2013090847 (First case).¹ Student does not object to the motion.

Consolidation

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when

¹ The District's motion to consolidate states that the parties submitted a joint request to OAH to continue the dates in Student's case. OAH does not have a record of such a continuance request and thus not ruling on the continuance request.

consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the First Case and Second Case involve a common question of law or fact, specifically, the adequacy of the District's assessments and Student's right to an independent educational evaluation. The parties all join in the consolidation request. In addition, consolidation furthers the interests of judicial economy because of the commonality of legal and factual issues, plus documentary evidence and witnesses. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013100782 (Second Case) are vacated. The matter shall proceed on the presently set dates in OAH case number 2013090847 (First Case).
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH case number 2013090847 (First Case).

Dated: October 24, 2013

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings